

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

\*\*\*\*\*

Representative Robert R. Cushing, et al., \*

\*

Plaintiffs, \*

v. \* Case No. 1:21-cv-00147-LM

\*

Representative Sherman Packard, et al. \*

\*

Defendants. \*

\*

\*\*\*\*\*

**SECOND ASSENTED-TO MOTION TO  
EXTEND BRIEFING SCHEDULE**

The defendants, by and through counsel, submit the following assented-to motion to extend the briefing schedule in this case:

1. On September 9, the defendants filed an assented-to motion to extend the briefing schedule in this case by an additional ten days. As of the date of this filing, that motion remains pending.

2. The defendants respectfully request, with the plaintiffs' assent, an additional four-day extension of the briefing schedule.

3. Defense counsel have had a number of significant deadlines over the past several days, including a lengthy motion to dismiss hearing in this Court on September 14, an oral argument in the New Hampshire Supreme Court on September 15, a New Hampshire Supreme Court brief due on September 19, and briefing and discovery obligations in numerous other state and federal matters.

4. At the time the defendants filed their previous motion to extend the briefing schedule, defense counsel did not anticipate that these obligations would necessitate an additional extension of the briefing schedule.

5. Ultimately, however, defense counsel have not been able to finalize the defendants' motion to dismiss by September 19 and require an additional few days to do so.

6. The defendants therefore request that their deadline to file their motion be extended by four days to September 23, with the plaintiffs' response deadline extended a corresponding four days to October 24.

7. The plaintiffs, through counsel, have assented to the requested relief.

8. No memorandum accompanies this motion because all citations and arguments are contained above. LR 7.1(a)(2).

9. The requested extension will not result in the continuance of any hearing, conference, or trial. LR 7.2(a).

WHEREFORE, the defendants respectfully request that this Honorable Court:

- A. Extend the current briefing schedule by an additional four days to Friday, September 23, with a corresponding extension of the plaintiffs' response deadline to October 24.
- B. Grant such further relief as the Court deems just and equitable.

Respectfully submitted,

Sherman Packard, in his official capacity as Speaker of the New Hampshire House of Representatives;  
Paul Smith, in his official capacity as Clerk of the New Hampshire House of Representatives; the New Hampshire House of Representatives; and the State of New Hampshire

By their attorney,

JOHN M. FORMELLA  
NEW HAMPSHIRE ATTORNEY GENERAL

Dated: September 19, 2022

/s/ Samuel Garland  
Anthony J. Galdieri, No. 18594  
Solicitor General  
Samuel R.V. Garland, No. 266273  
Jennifer S. Ramsey, No. 268964  
Senior Assistant Attorneys General  
Civil Bureau  
(603) 271-3650  
anthony.j.galdieri@doj.nh.gov  
samuel.rv.garland@doj.nh.gov  
jennifer.s.ramsey@doj.nh.gov

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served on all counsel of record using the Court's electronic-filing system.

/s/ Samuel Garland  
Samuel R.V. Garland